

**SAWMILL 2 BIKE PATH AND EROSION CONTROL PROJECT:
EASEMENTS AND LICENSE AGREEMENT**

Summary: Staff recommends authorization to grant easements and a construction staging license agreement to El Dorado County (County) for improvements and maintenance associated with Sawmill Road and the Sawmill 2 Bike Path and Erosion Control Project.

Location: South of Sawmill Road and east of Lake Tahoe Boulevard, El Dorado County (El Dorado County Assessor Parcel Numbers 033-100-15, 033-180-06, and 033-180-21) (Attachment 1).

Fiscal Summary: Incidental staff costs.

Recommended Action: Adopt Resolution 11-09-01 (Attachment 2).

Background

The California Tahoe Conservancy (Conservancy) awarded the County a planning grant in 2005 to design and permit (1) a bike path and erosion control facilities along Sawmill Road, and (2) erosion control improvements within the Echo View Estates subdivision. Known as the Sawmill 2 Bike Path and Erosion Control Project, it is Projects #706 and #10034 on the Environmental Improvement Program (EIP) project list. Attachment 3 shows the project area.

The Conservancy provided \$821,000 from two of its programs: \$460,000 from the Public Access and Recreation Program and \$361,000 from the Erosion Control Program. Using these funds, the County applied the Conservancy's Preferred Design Approach (PDA) to plan the erosion control facilities to achieve the greatest benefit to water quality. Careful planning also produced the currently-proposed path alignment, which minimizes environmental impacts, complements the erosion control infrastructure, and reduces construction costs where feasible.

The County is currently working to acquire all necessary entitlements, including the easements and license agreement for uses on Conservancy-owned property that staff is now recommending. These entitlements are necessary for the County to secure construction funding. Additionally, the County needs access to the project area to construct the improvements on Conservancy property. The parcels over which the County is requesting easements may in the future be transferred to the California Department of Parks and Recreation (DPR). They are immediately adjacent and contiguous to the Lake Valley State Recreation Area and Washoe Meadows State Park (see Attachment 1). The transfer of these parcels was considered in the Lake Valley State Recreation Area General Plan.

Project Description

This project involves the granting of three easements on three parcels and one license agreement on one of the same parcels to the County in order to facilitate soil erosion control and bike path infrastructure construction (Table 1). The County proposes to use Assessor Parcel Numbers (APN) 033-100-15, 033-180-06, and 033-180-21 for three purposes: (1) to install storm water conveyance treatment infrastructure that will reduce soil erosion and the quantity of sediments and nutrients entering Lake Tahoe; (2) to construct an eight-foot-wide bike path with two-foot-wide clear zones on each side; and (3) to operate and maintain Sawmill Road on a portion of two of the parcels (APNs 033-100-15 and 033-180-21), since the roadway is currently located on them. Further, the County is requesting a license agreement upon APN 033-100-15 for construction staging and material storage during construction.

The use of APN 033-100-15 will require the removal of one snag, a dead tree, which may present a hazard to the public using the trail. After completion of construction, the County will install any necessary access restriction measures such as fence and/or boulders to preclude future encroachment in the easement areas, and fully revegetate the license agreement area.

The easements will allow the County to construct, operate, and maintain the project improvements as well as allow the continued operation and maintenance of Sawmill Road. The easements will not cover each parcel entirely, but rather, portions deemed sufficiently large to efficiently construct and maintain improvements. Attachments 3a through 3c show the proposed improvements and easement areas. The proposed uses are detailed in Table 1.

Table 1
Proposed Uses, by Parcel

Assessor Parcel Number	Rights Granted			
	Multi-Use Trail	Drainage Improvements	Roadway Operation	Construction Staging Area
033-100-15	X	X	X	X
033-180-06	X	X		
033-180-21	X		X	

Project Evaluation

The granting of easements for access rights to operate, maintain, and construct improvements associated with Conservancy funded projects is consistent with the Conservancy's Special Use Guidelines, most recently revised in January 2011, Soil Erosion Control Program Guidelines, and Public Access and Recreation Program Guidelines. Granting of the easements and construction of the improvements will not preclude transfer of the property to DPR in the future if deemed appropriate, nor is it anticipated to preclude any eventual improvements to Lake Valley State Recreation Area or Washoe Meadows State Park. In fact, the development of the multi-use trail would be an asset to these facilities because patrons would have the ability to access them by non-motorized means.

The easements and license agreement will contain standard language requiring insurance, performance bonds, and indemnification, as well as restoration of any ground disturbance on the Conservancy parcels. The County will be required to maintain the constructed improvements.

Consistency with the Conservancy's Enabling Legislation

The recommended easements and license agreement are consistent with the Conservancy's enabling legislation. Specifically, Government Code section 66907.8 authorizes the Conservancy to lease, rent, sell, exchange, or otherwise transfer any interest in real property or interest therein to local public agencies, individuals, corporate entities, or partnerships for management purposes. Under Government Code section 66907.9, the Conservancy is authorized to initiate, negotiate, and participate in agreements for the management of land under its ownership or control with local public agencies, State agencies, federal agencies, nonprofit organizations, individuals,

corporate entities, or partnerships, and to enter into any other agreements authorized by State or federal law.

Compliance with the California Environmental Quality Act (CEQA)

El Dorado County, acting as the Lead Agency, prepared an Initial Study (IS) and a Mitigated Negative Declaration (MND) for this project to comply with CEQA. El Dorado County's Board adopted the MND on December 10, 2009, and a Notice of Determination (NOD) was filed on December 14, 2009 with the State Clearinghouse (SCH# 2009102016). In May 2010, the Conservancy drafted an Addendum to the MND incorporating amendments to the CEQA Guidelines. The findings in the Addendum were based on information provided by the County's memo addressing the CEQA amendments. The Conservancy Board previously considered and concurred with the findings of the IS/MND and filed an NOD following the July 15, 2010 Board meeting for the purpose of giving an easement to the County for improvements on a Conservancy parcel.

A copy of the IS and MND have been provided to the Board on CD (Attachment 4) and are available for public review at the Conservancy Office, 1061 Third Street, South Lake Tahoe, CA 96150.

Staff has reviewed the IS, MND, and Addendum and believes the analyses of the proposed improvements in the document are adequate. Staff has determined that the project, as proposed, would not cause a significant effect on the environment. Since completion of the MND and Addendum, there is no new information, substantial changes to the proposed project, or changes to the project implementation that would involve any new significant effects not analyzed in the MND or Addendum. As a result, no new mitigation measures are necessary to find that the project, as mitigated, would have no significant environmental impacts. The mitigation measures are located in *Appendix B, Mitigation Monitoring and Reporting Program*, of the MND.

Staff recommends the Conservancy make the findings as set forth in the attached resolution and authorize the granting of easements on three separate parcels and one long-term license agreement on one parcel in support of project construction. If the Board authorizes the easements and license agreement, staff will file an NOD with the State Clearinghouse pursuant to State CEQA guidelines, section 15096. Attachment 5 contains the Conservancy's proposed NOD.

List of Attachments:

Attachment 1 – Project Location Map

Attachment 2 – Resolution 11-09-01

Attachment 3a – Project Site Plan (33-180-06)

Attachment 3b – Project Site Plan (33-180-21)

Attachment 3c – Project Site Plan (33-100-15)

Attachment 4 – El Dorado County Initial Study, Mitigated Negative Declaration, and
Addendum to Mitigated Negative Declaration (on CD)

Attachment 5 – Notice of Determination (NOD)

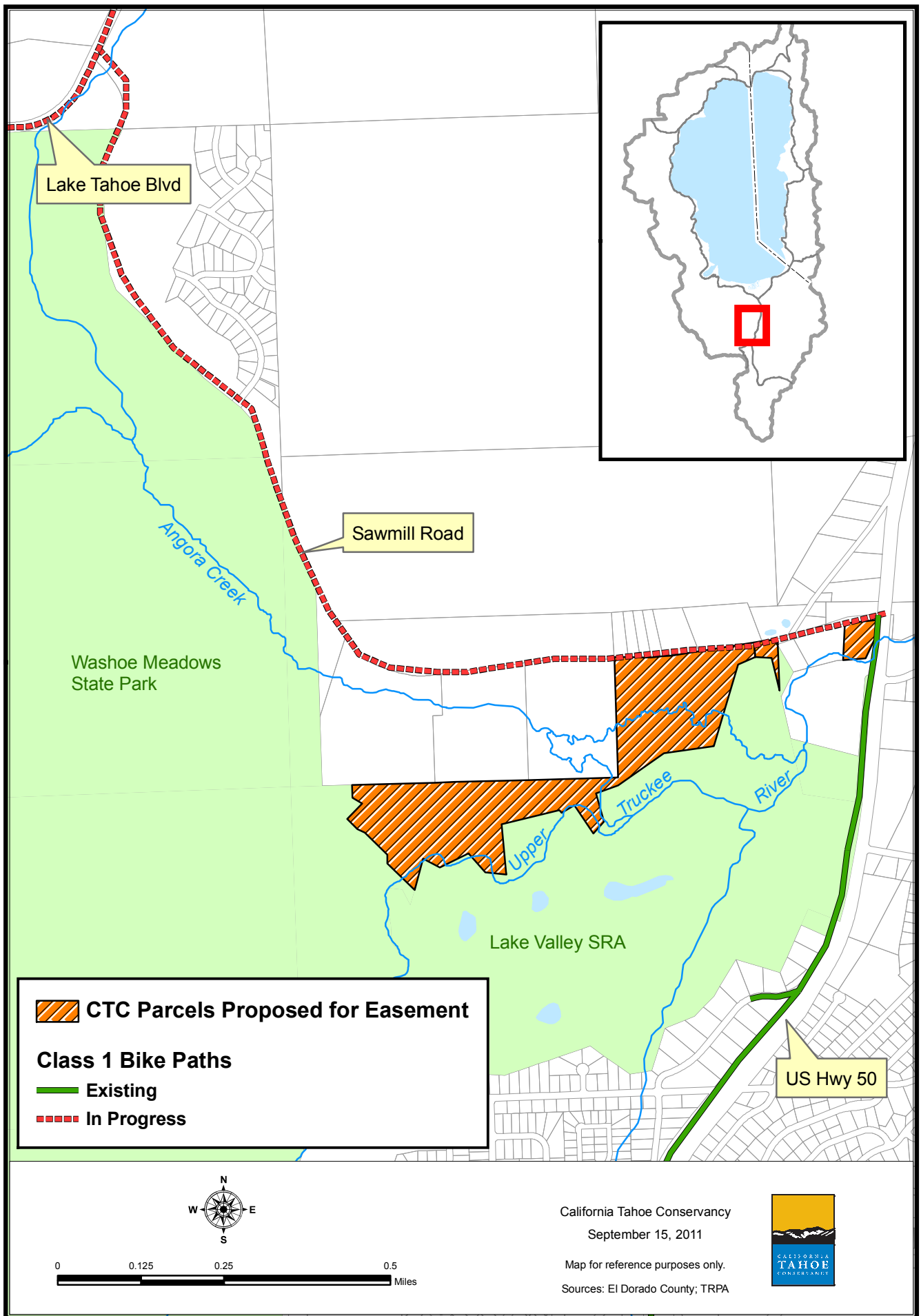
Conservancy Staff Contact:

Peter Eichar, AICP

(530) 543-6046

peichar@tahoe.ca.gov

**ATTACHMENT 1
LOCATION MAP**



ATTACHMENT 2

California Tahoe Conservancy

Resolution

11-09-01

Adopted: September 15, 2011

SAWMILL 2 BIKE PATH AND EROSION CONTROL PROJECT: EASEMENTS AND LICENSE AGREEMENT

Staff recommends that the California Tahoe Conservancy make the following finding based on the accompanying staff report pursuant to Public Resources Code section 21000 et seq.:

“The California Tahoe Conservancy has considered the environmental impacts of the Sawmill 2 Bike Path and Erosion Control Project as described in El Dorado County’s Initial Study / Mitigated Negative Declaration (IS/MND) certified by El Dorado County on December 10, 2009. In May 2010, the Conservancy drafted an Addendum to the Mitigated Negative Declaration incorporating amendments to the CEQA Guidelines which became effective March 18, 2010. The Addendum addresses new questions added to the Appendix G, Environmental Checklist. The Conservancy has reviewed the IS/MND and Addendum and related documents and finds that the improvements proposed have been adequately analyzed in the IS/MND and Addendum. The Conservancy Finds that no new substantial changes to the proposed project or other changes to the project implementation would involve any new significant effects that were not analyzed in the Initial Study, Mitigated Negative Declaration, and Addendum. The Conservancy finds that no substantial changes are proposed in the project, and no substantial changes have occurred with respect to the circumstances under which the project is undertaken that would involve any new significant environmental effects or significantly increase the severity of any previously identified impacts. The Conservancy hereby directs staff to file a Notice of Determination with the State Clearinghouse for this project.

Staff further recommends that the Conservancy adopt the following resolution pursuant to Government Code sections 66907.8 and 66907.9:

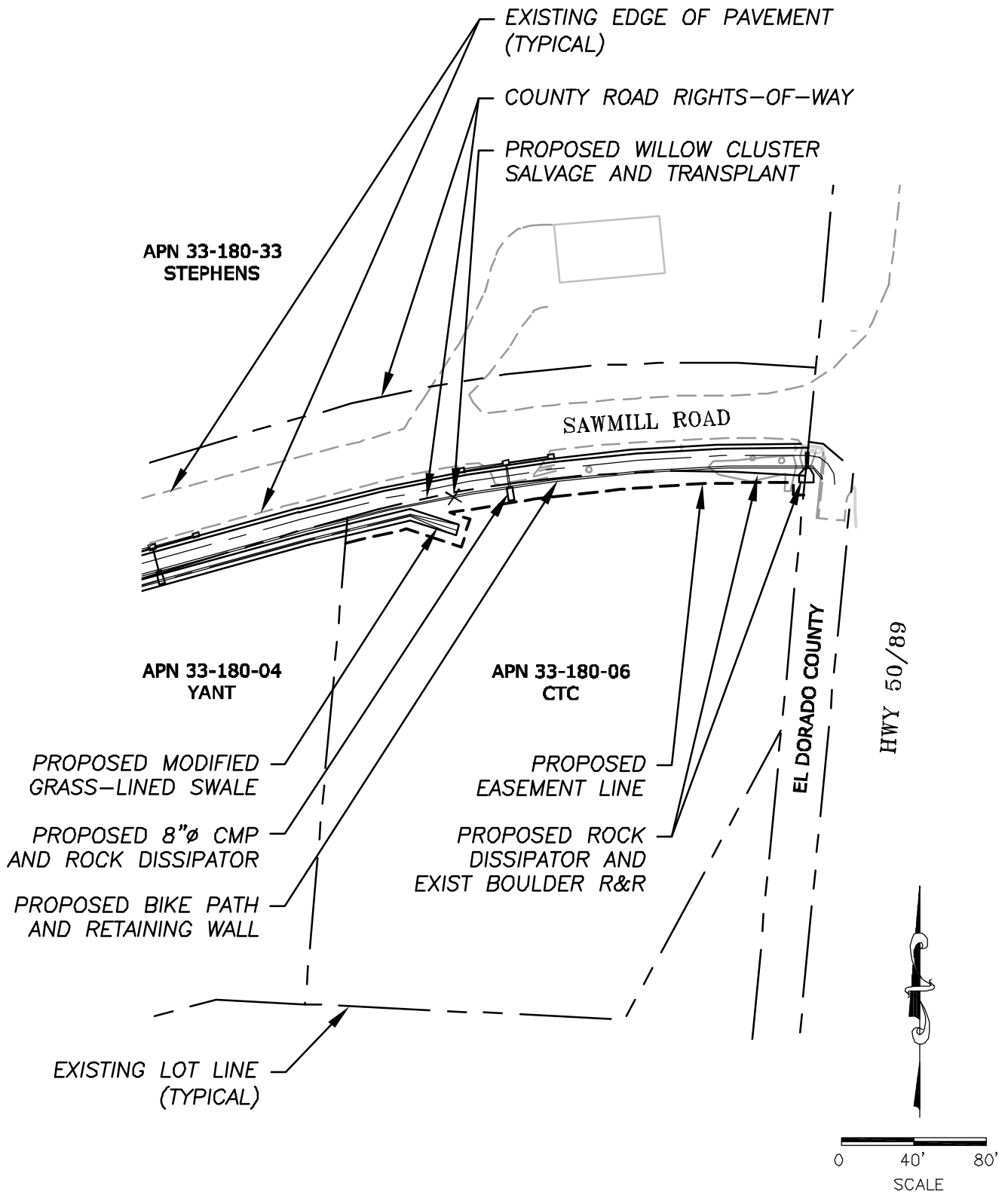
"The California Tahoe Conservancy hereby authorizes staff to grant three easements and one license agreement to El Dorado County, over a portion of El Dorado County Assessor Parcel Numbers 033-100-15, 033-180-06, and 033-180-21 which permits the construction and maintenance of water quality and bike path improvements associated with the Sawmill 2 Bike Path and Erosion Control Project, and authorizes staff to take all other necessary steps consistent with the accompanying staff recommendation."

I hereby certify that the foregoing is a true and correct copy of the Resolution duly and regularly adopted by the California Tahoe Conservancy at a meeting thereof held on the 15th day of September 2011.

In WITNESS THEREOF, I have hereunto set my hand this 15th day of September 2011.

Patrick Wright
Executive Director

Attachment 3a
Site Plan & Easement Area



EL DORADO COUNTY
SOUTH LAKE TAHOE OFFICE



SAWMILL 2 BIKE PATH
AND EROSION CONTROL PROJECT
CTC EASEMENT
APN 33-180-06

DATE: 08/11

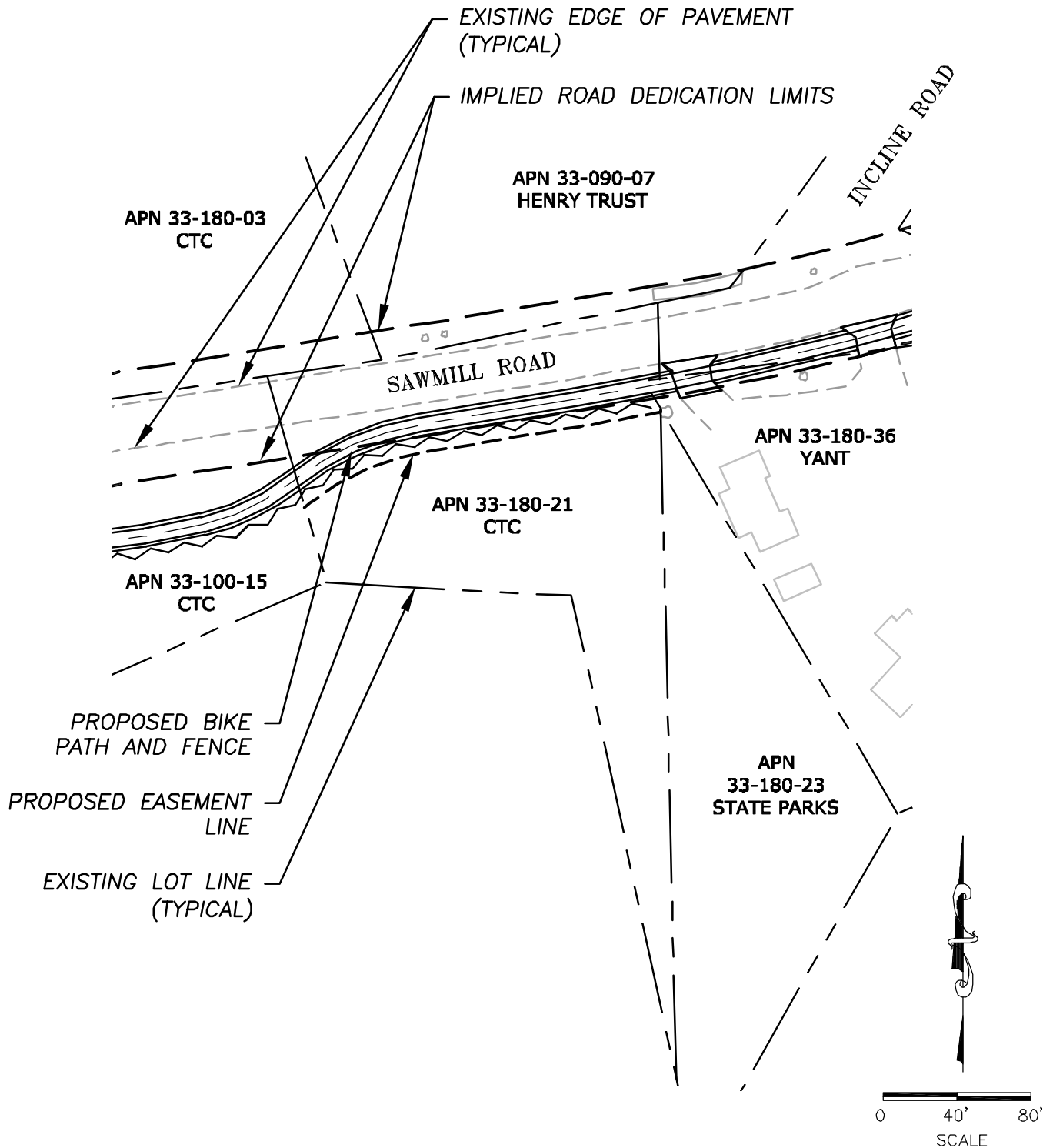
PROJECT NO: 95192

BY: ALD

FIGURE

B

Attachment 3b
Site Plan & Easement Area



EL DORADO COUNTY
SOUTH LAKE TAHOE OFFICE



SAWMILL 2 BIKE PATH
AND EROSION CONTROL PROJECT
CTC EASEMENT
APN 33-180-21

DATE: 08/11

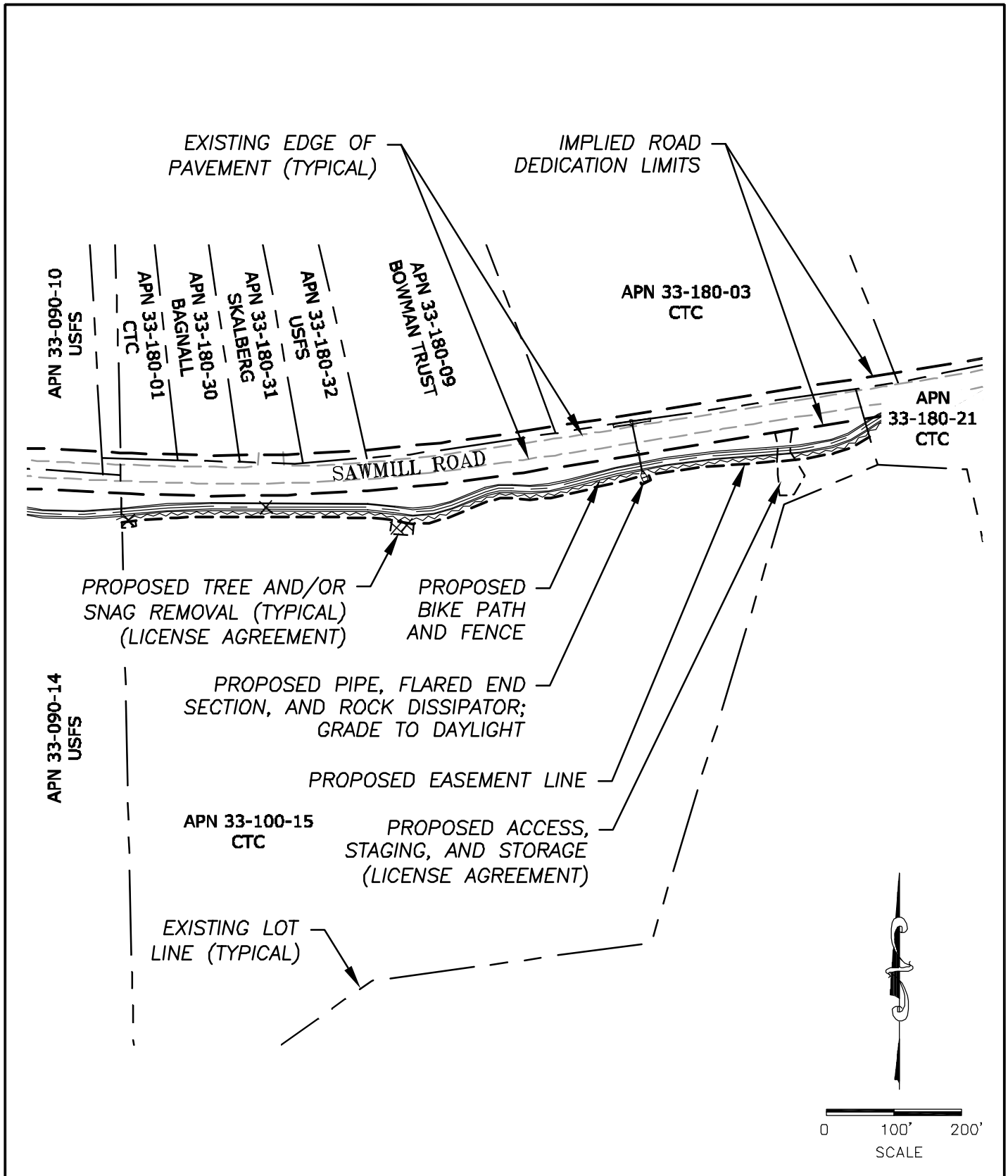
PROJECT NO: 95192

BY: ALD

FIGURE

B

Attachment 3c
Site Plan & Easement Area



EL DORADO COUNTY
SOUTH LAKE TAHOE OFFICE



SAWMILL 2 BIKE PATH
AND EROSION CONTROL PROJECT
CTC EASEMENT AND LICENSE AGREEMENT
APN 33-100-15

DATE: 08/11

PROJECT NO: 95192

BY: ALD

FIGURE

B

ATTACHMENT 4

SAWMILL 2 BIKE PATH AND EROSION CONTROL PROJECT: EASEMENTS AND LICENSE AGREEMENT

Addendum to Mitigated Negative Declaration
NOD – Department of Fish and Game
Sawmill 2 Final CEQA

On CD

ATTACHMENT 5

NOTICE OF DETERMINATION

TO: Office of Planning and Research
1400 10th Street, Room 121
Sacramento, CA 95814

FROM: California Tahoe Conservancy
1061 Third Street
South Lake Tahoe, CA 96150

Subject:

Filing of Notice of Determination in compliance with sections 21108 and 21152 of the Public Resources Code.

Project Title:

Three access, construction, and operational easements and one license agreement to El Dorado County for Sawmill Road and Sawmill 2 Bike Path and Erosion Control Project improvements.

State Clearinghouse Number:

2009102016

Contact Person:

Peter Eichar

Telephone Number:

(530) 543-6046

Project Location:

Conservancy owned parcels, El Dorado County Assessor Parcel Numbers 033-100-15, 033-180-06, and 033-180-21.

Project Description:

The project proposes to construct, maintain, and improve stormwater facilities and implement erosion control practices for Sawmill Road and install, operate, and maintain Sawmill Road and a Class 1 Bike Path as identified in the Lake Tahoe Environmental Improvement Program. The project includes construction staging.

This is to advise that the California Tahoe Conservancy, acting as a responsible agency, has approved the above described project on September 15, 2011 and has made the following determinations regarding the above described project:

1. The project will not have a significant effect on the environment.
2. A Mitigated Negative Declaration for the project was prepared and approved by El Dorado County on December 10, 2009, and a Notice of Determination was filed on December 14, 2009. The Notice of Determination, Mitigated Negative Declaration, and record of project approval may be examined at El Dorado County Department of Transportation, 924 B Emerald Bay Road, South Lake Tahoe, CA 96150. In May 2010, the Conservancy prepared an Addendum to the MND to address amendments to CEQA which became effective March 18, 2010. The California Tahoe Conservancy reviewed and considered the Mitigated Negative Declaration and Addendum prior to project approval. The Addendum to the MND may be examined at the California Tahoe Conservancy, 1061 Third Street, South Lake Tahoe, CA 96150.
3. Mitigation measures were made a condition of the approval of the project by El Dorado County and the California Tahoe Conservancy.
4. The Conservancy finds that no substantial changes are proposed in the project, and no substantial changes have occurred with respect to the circumstances under which the project is taken that would

affect any potentially significant environmental effects. Furthermore, there are no changes regarding the project that would require new or different mitigation measures.

Fish and Game Fees: A California Department of Fish and Game Environmental Filing Fee was paid for this project. A copy of the receipt will be filed with this notice.

Date Received for Filing:

Patrick Wright
Executive Director